

Notice of Allowability

Application No.

10/773,332

Applicant(s)

WANG ET AL.

Examiner

Janet L. Coppins

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Amendment of April 3, 2006, and the Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 1,3-25,29 and 30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Claims 1, 3-25, and 28-30 are pending in the instant application.

Response to Amendment

1. Receipt is acknowledged of Applicants' Amendment and Response, filed April 3, 2006, which have been reviewed by the Examiner and entered of record in the file.
2. Accordingly, claims 26 and 27 have been cancelled, claim 9 has been amended, and new claims 28-30 have been added.

Claim Rejections - 35 USC § 112

3. Claims 9, 26, and 27 previously rejected under 35 U.S.C. 112, first paragraph, as not being fully enabled. Since Applicants have cancelled claims 26 and 27 and have amended claim 9, the Examiner withdraws the rejections to the claims.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Gretchen Peterson on June 23, 2006.

The application has been amended as follows:

- (a) Please cancel claim 28, without prejudice or disclaimer.
- (b) Please insert a period at the end of claim 25.

REASONS for ALLOWANCE

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5. Claims 1, 3-25, 29, and 30 are allowable, as newly renumbered claims 1-26.

The following is an examiner's statement of reasons for allowance:

The instant application relates to novel pyridyl-phenyl-sulfanyl compounds that are cell adhesion inhibitors, and their methods of use. The instant application is a Divisional of U.S. Appl. No. 09/888,840, which has been allowed and is now U.S. Pat. No. 6,787,542. The allowable subject matter in this case is limited to compounds of the formula of claim 1, that are known to inhibit cell adhesion activity, and can be useful for treating inflammation, for example. Certain pyridyl-phenyl-sulfanyl compounds are known in the art as being useful anti-inflammatory agents, however the aspect of preparing the same phenyl-pyridyl compounds as instantly claimed, according to claim 1, is novel and unobvious. After a thorough search, the closest prior art of record, Cox et al, U.S. 4,900,751, teach similar substituted pyridyl-phenyl-sulfanyl compounds, yet do not teach the same compounds as instantly claimed, or their methods of use. Therefore the prior art fails to anticipate, fairly suggest, or render obvious the instant claimed phenyl-pyridyl compounds, their pharmaceutical compositions, or their methods of use.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

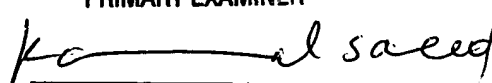
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet L. Coppins
June 23, 2006

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER

for 

Joseph K. McKane
SPE, Art Unit 1626